

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CR- 05-00009

November 21, 2006
8:00 a.m.

UNITED STATES OF AMERICA -v- JOSE C. ALDAN

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
FAYE M. CROZAT, Recorder
MICHELLE C. MACARANAS, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
JOSEPH JAMES CAMACHO, Counsel for Defendant
JOSE C. ALDAN, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Joseph Camacho. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by either counsels of the amended presentence report and addendum.

Court adopted the amended presentence investigation report and addendum and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties. Court announced it's findings of facts.

Government gave their recommendation. Defense recommended the lower end of the guidelines for imprisonment. Defendant made his allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **JOSE C. ALDAN** is hereby sentenced as to Count I, a term of 27 months imprisonment and as to Count II, a term of 27 months imprisonment. Terms to run concurrent under the custody of the Bureau of Prisons with credit for time served. While in prison and as approved by the Bureau of Prisons, the defendant shall participate in a drug treatment program, as well as a vocational or educational programs to include financial management. Court further recommended that while in prison the defendant be allowed to participate in any training or program in repair of small engines.

Following imprisonment, the defendant shall be placed on supervised release for a period of three years. The term of supervised release will include the following conditions:

1. That the defendant shall not commit another federal, state or local crime;
2. That the defendant shall not unlawfully possess a controlled substance;
3. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month as directed by the U.S. probation officer;
4. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or have it where he resides;
5. That the defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office;
6. That the defendant shall comply with the standard conditions of supervised release as adopted by this Court;
7. That the defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol;
8. That the defendant shall refrain from any alcohol;
9. That the defendant shall seek and maintain gainful employment; and
10. That the defendant shall perform 300 hours of community service under the direction of the United States Probation Office.

Due to the defendant's inability to pay a fine, the Court waived all fines. Court ordered that the defendant pay a \$200.00 assessment fee immediately.

No objection to the sentence by the attorneys. Defendant was advised of his right to appeal the sentence; if he or his attorney feel that there is a reason to appeal they must do so within 10 days. Further, the defendant was advised of his right to an attorney for appeal.

Court ordered that the defendant remain at liberty as previously set by the Court. Defendant shall contact the U.S. Marshal's Office every Monday, Wednesday and Friday between 9:00 a.m. and 12:00 p.m. up until a facility has been designated.

Adj. 8:30 a.m.

/s/ Michelle C. Macaranas, Courtroom Deputy